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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,696	12/28/2001	Laurent Chouraqui	1386-01	4983

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EXAMINER	
SHEPARD, JUSTIN E	
ART UNIT	**PAPER NUMBER**
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/040,696	CHOURAQUI ET AL.	
	Examiner	Art Unit	
	Justin E. Shepard	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 April 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-8 and 11-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-8 and 11-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/5/07 has been entered.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1, 4, 11, 12, 13, 14, 15, 16, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chernock in view of LaRocca.

Referring to claim 1, Chernock discloses a process for transmission of a digital televised broadcast comprising an interactive application which can be activated by

superposition on an animated image background on a digital terminal at least in part by a television viewer, said interactive application being made of elemental components comprising different image screens between which the viewer can navigate, the process comprising:

transmitting elemental components in a data structure that groups said elemental components in the different classes(column 3, line 64 – column 4, line 3), said components being materialized in the form of codes calling up native functions (column 3, lines 46-48; column 4, lines 10-11), comprising components of "INITIALIZATIONS" defining positioning in a data structure of other components (column 4, lines 17-18), components of "DRAWS" corresponding to graphic representations materialized in the structure in the form of codes calling up native functions of a host language of a digital terminal (column 4, line 22), components of "PALETTES" corresponding to color palettes (column 5, lines 49-53) and components of "SCREENS" corresponding to screen image descriptions (column 6, lines 37-40), said screen image descriptions listing the components of "DRAWS" that compose a screen image to be displayed (column 6, lines 45-49); and

constructing an animated image by superposition of an animated image background corresponding to a principal broadcast and an image grouping together at least a part of elemental components by an execution program loaded in the digital terminal (column 4, lines 19-21; column 3, lines 54-56; figures 1 and 2), the image of grouped elemental components being created by interpreting the components of "INITIALIZATIONS" to determine the position in the data structure of the components of

"DRAWS" belonging to the screen image to be displayed and displaying the components of "DRAWS" belonging to the screen image to be displayed (column 4, lines 10-22; column 7, lines 2-8).

Chernock does not disclose a process comprising associating a series of stimuli and actions to enable said navigation between screen images; and grouping said elemental components in different classes according to treatment the elemental components require by said digital terminal, the elemental components within each class requiring common treatment by said digital terminal.

In an analogous art, LaRocca teaches a process comprising associating a series of stimuli and actions to enable said navigation between screen images (column 7, line 64 – column 8, line 3); and grouping said elemental components in different classes according to treatment the elemental components require by said digital terminal, the elemental components within each class requiring common treatment by said digital terminal (figure 9; column 16, lines 29-32).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the user customized menus taught by LaRocca to the process disclosed by Chernock. The motivation would have been to provide a customized experience for the users, therefore making the system more enticing to use.

Claim 13 is rejected on the same grounds as claim 1, wherein claim 13 adds the limitation of an advertisement, which is found in LaRocca (figure 3A, part 322).

Claims 16 and 17 are rejected on the same grounds as claim 1.

Referring to claim 4, Chernock discloses a process according to Claim 1, wherein the graphic representations are selected from the group consisting of text (column 6, lines 47-49), geometric shapes, lines, points, color changes, fonts and line thickness.

Referring to claim 11, Chernock discloses a process according to Claim 2, wherein at least one or more different stimuli selected from the group consisting of: pressure on any key of a remote control or front panel, events linked to a clock (column 4, lines 15-16), events linked to the end of a connection of the modem, beginning of a data capture and end of a data capture; and beginning of synchronization are assigned to the "SCREENS."

Referring to claim 12, Chernock discloses a process according to Claim 11, wherein the stimuli can trigger at least one action selected from the group consisting of: visualization of any autonomous interactive application; visualization of any channel; connection of the modem; changing of the screen image (column 6, lines 37-40 and 47-49); and quitting the application.

Referring to claim 14, Chernock does not disclose a process according to Claim 1, wherein the "SCREENS" are interactive screens having stimuli and actions assigned thereto; the transmitting step comprises transmitting a plurality of the interactive screen; and the process further comprises the step of navigating among the plurality of interactive screens.

LaRocca discloses a process according to Claim 1, wherein the "SCREENS" are interactive screens having stimuli and actions assigned thereto; the transmitting step comprises transmitting a plurality of the interactive screen; and the process further comprises the step of navigating among the plurality of interactive screens (figure 9; column 16, lines 29-32).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the user customized menus taught by LaRocca to the process disclosed by Chernock. The motivation would have been to provide a customized experience for the users, therefore making the system more enticing to use.

Referring to claim 15, Chernock discloses a process according to Claim 1, wherein at least one of the stimuli is a top of synchronization (column 4, lines 17-18).

Referring to claim 18, Chernock does not disclose a process of Claim 1 further comprising the step of constructing a second animated image of another image screen of said application when a stimulus and corresponding action of the previous image screen is detected by said digital terminal to enable the navigation from the previous image screen to the another image screen.

In an analogous art, LaRocca teaches a process of Claim 1 further comprising the step of constructing a second animated image of another image screen of said application when a stimulus and corresponding action of the previous image screen is

detected by said digital terminal to enable the navigation from the previous image screen to the another image screen (figures 3A and 4).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the user customized menus taught by LaRocca to the process disclosed by Chernock. The motivation would have been to provide a customized experience for the users, therefore making the system more enticing to use.

2. Claims 3, 5, 6, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chernock in view of LaRocca as applied to the claims above, and further in view of Kamada.

Referring to claim 3, Chernock and LaRocca do not disclose a process according to Claim 1, wherein the elemental components belong to predefined classes of graphic elements enabling definition of an image and said elemental components are stored in memory according to their membership class.

In an analogous art, Kamada teaches a process according to Claim 1, wherein the elemental components belong to predefined classes of graphic elements enabling definition of an image and said elemental components are stored in memory according to their membership class (column 32, lines 23-30; figure 38).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the graphic element classes taught by Kamada in the process disclosed by Chernock and LaRocca. The motivation would have been to enable the system to

use less information to encode an object by allowing it to inherit features from its parents (Kamada: column 32, lines 25-30).

Referring to claim 5, Chernock and LaRocca do not disclose a process according to Claim 3, wherein the elemental components are stored in memory sequentially in their class in order of their use in construction of the animated images.

In an analogous art, Kamada teaches a process according to Claim 3, wherein the elemental components are stored in memory sequentially in their class in order of their use in construction of the animated images (column 32, lines 23-25; figure 38).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the animation storage method taught by Kamada in the process disclosed by Chernock and LaRocca. The motivation would have been to allow for more complex animations to be able to be created.

Referring to claim 6, Chernock and LaRocca do not disclose a process according to Claim 3, wherein display of the elemental components is implemented according to membership classes and according to pre-selected criteria for each class.

In an analogous art, Kamada teaches a process according to Claim 3, wherein display of the elemental components is implemented according to membership classes and according to pre-selected criteria for each class (column 32, lines 23-30; figure 38).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the graphic element classes taught by Kamada in the process disclosed

by Chernock and LaRocca. The motivation would have been to enable the system to use less information to encode an object by allowing it to inherit features from its parents (Kamada: column 32, lines 25-30).

Referring to claim 7, Chernock and LaRocca do not disclose a process according to Claim 3, wherein display of the elemental components is implemented according to membership classes and according to pre-selected criteria for each class.

In an analogous art, Kamada teaches a process according to Claim 3, wherein display of the elemental components is implemented according to membership classes and according to pre-selected criteria for each class (column 32, lines 23-30; figure 38).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the element class processing taught by Kamada in the process disclosed by Chernock and LaRocca. The motivation would have been to enable the system to use less time to decode an object by allowing it to inherit features from its parents (Kamada: column 32, lines 25-30).

Referring to claim 8, Chernock does not disclose a process according to Claim 3, wherein the elemental components are displayed by a specific interface in a digital decoder.

In an analogous art, LaRocca teaches a process according to Claim 3, wherein the elemental components are displayed by a specific interface in a digital decoder (figure 2, part 206; column 5, lines 33-45)

At the time of the invention it would have been obvious for one of ordinary skill in the art to use a digital decoder, as taught by LaRocca, to display the animation disclosed by Chernock and Kamada. The motivation would have been that it is well known in the art to use digital decoders in set top boxes.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

SCOTT E. BELIVEAU
PRIMARY PATENT EXAMINER